

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1802
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, May 4, 2010, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4528S.03C

AN ACT

To repeal 407.500, 407.505, 563.011, 563.031, 571.030, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof nine new sections relating to provisions of the criminal code concerning personal protection, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 407.500, 407.505, 563.011, 563.031, 571.030, 571.070,

2 571.101, 571.104, and 571.107, RSMo, are repealed and nine new sections enacted

3 in lieu thereof, to be known as sections 563.011, 563.031, 571.030, 571.070,

4 571.085, 571.087, 571.101, 571.104, and 571.107, to read as follows:

563.011. As used in this chapter the following terms shall mean:

2 (1) "Deadly force", physical force which the actor uses with the purpose
3 of causing or which he or she knows to create a substantial risk of causing death
4 or serious physical injury;

5 (2) "Dwelling", any building, inhabitable structure, or conveyance of any
6 kind, whether the building, inhabitable structure, or conveyance is temporary or
7 permanent, mobile or immobile, which has a roof over it, including a tent, and is
8 designed to be occupied by people lodging therein at night;

9 (3) "Forcible felony", any felony involving the use or threat of physical
10 force or violence against any individual, including but not limited to murder,
11 robbery, burglary, arson, kidnapping, assault, and any forcible sexual offense;

12 (4) "Premises", includes any building, inhabitable structure and any real
13 property;

14 (5) "Private person", any person other than a law enforcement officer;

15 (6) **"Private property", any real property in this state that is**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 **privately owned or leased;**

17 (7) "Remain after unlawfully entering", to remain in or upon premises
18 after unlawfully entering as defined in this section;

19 [(7)] (8) "Residence", a dwelling in which a person resides either
20 temporarily or permanently or is visiting as an invited guest;

21 [(8)] (9) "Unlawfully enter", a person unlawfully enters in or upon
22 premises **or private property** when he or she enters such premises **or private**
23 **property** and is not licensed or privileged to do so. A person who, regardless of
24 his or her purpose, enters in or upon **private property or** premises that are at
25 the time open to the public does so with license unless he or she defies a lawful
26 order not to enter, personally communicated to him or her by the owner of such
27 premises or by another authorized person. A license to enter in a building that
28 is only partly open to the public is not a license to enter in that part of the
29 building that is not open to the public.

563.031. 1. A person may, subject to the provisions of subsection 2 of this
2 section, use physical force upon another person when and to the extent he or she
3 reasonably believes such force to be necessary to defend himself or herself or a
4 third person from what he or she reasonably believes to be the use or imminent
5 use of unlawful force by such other person, unless:

6 (1) The actor was the initial aggressor; except that in such case his or her
7 use of force is nevertheless justifiable provided:

8 (a) He or she has withdrawn from the encounter and effectively
9 communicated such withdrawal to such other person but the latter persists in
10 continuing the incident by the use or threatened use of unlawful force; or

11 (b) He or she is a law enforcement officer and as such is an aggressor
12 pursuant to section 563.046; or

13 (c) The aggressor is justified under some other provision of this chapter
14 or other provision of law;

15 (2) Under the circumstances as the actor reasonably believes them to be,
16 the person whom he or she seeks to protect would not be justified in using such
17 protective force;

18 (3) The actor was attempting to commit, committing, or escaping after the
19 commission of a forcible felony.

20 2. A person may not use deadly force upon another person under the
21 circumstances specified in subsection 1 of this section unless:

22 (1) He or she reasonably believes that such deadly force is necessary to

23 protect himself or herself or another against death, serious physical injury, or any
24 forcible felony; [or]

25 (2) Such force is used against a person who unlawfully enters, remains
26 after unlawfully entering, or attempts to unlawfully enter a dwelling, residence,
27 or vehicle lawfully occupied by such person; **or**

28 **(3) Such force is used against a person who unlawfully enters,**
29 **remains after unlawfully entering, or attempts to unlawfully enter**
30 **private property that is owned or leased by an individual claiming a**
31 **justification of using protective force under this section.**

32 3. A person does not have a duty to retreat from a dwelling, residence, or
33 vehicle where the person is not unlawfully entering or unlawfully remaining. **A**
34 **person does not have a duty to retreat from private property that is**
35 **owned or leased by such individual.**

36 4. The justification afforded by this section extends to the use of physical
37 restraint as protective force provided that the actor takes all reasonable measures
38 to terminate the restraint as soon as it is reasonable to do so.

39 5. The defendant shall have the burden of injecting the issue of
40 justification under this section. **If a defendant asserts that his or her use**
41 **of force is described under subdivision (2) of subsection 2 of this**
42 **section, the burden shall then be on the state to prove beyond a**
43 **reasonable doubt that the defendant did not reasonably believe that the**
44 **use of such force was necessary to defend against what he or she**
45 **reasonably believed was the use or imminent use of unlawful force.**

571.030. 1. A person commits the crime of unlawful use of weapons if he
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any
8 building or structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily
10 capable of lethal use in an angry or threatening manner; or

11 (5) [Possesses or discharges a projectile weapon while intoxicated; or] **Has**
12 **a firearm or projectile weapon readily capable of lethal use readily**
13 **accessible within the area of his or her control while he or she is**

14 intoxicated; or

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,
18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any
27 other motor vehicle, or at any building or habitable structure, unless the person
28 was lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board; **or**

33 **(11) Possesses a firearm while also in possession of controlled**
34 **substances that are sufficient for a felony violation under section**
35 **195.202.**

36 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this
37 section shall not apply to or affect any of the following:

38 (1) All state, county and municipal peace officers who have completed the
39 training required by the police officer standards and training commission
40 pursuant to sections 590.030 to 590.050, RSMo, and **[possessing] who possess**
41 the duty and power of arrest for violation of the general criminal laws of the state
42 or for violation of ordinances of counties or municipalities of the state, whether
43 such officers are on or off duty, and whether such officers are within or outside
44 of the law enforcement agency's jurisdiction, or all qualified retired peace officers,
45 as defined in subsection **[10] 11** of this section, and who carry the identification
46 defined in subsection **[11] 12** of this section, or any person summoned by such
47 officers to assist in making arrests or preserving the peace while actually engaged
48 in assisting such officer;

49 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails

50 and other institutions for the detention of persons accused or convicted of crime;

51 (3) Members of the armed forces or national guard while performing their
52 official duty;

53 (4) Those persons vested by article V, section 1 of the Constitution of
54 Missouri with the judicial power of the state and those persons vested by Article
55 III of the Constitution of the United States with the judicial power of the United
56 States, the members of the federal judiciary;

57 (5) Any person whose bona fide duty is to execute process, civil or
58 criminal;

59 (6) Any federal probation officer or federal flight deck officer as defined
60 under the federal flight deck officer program, 49 U.S.C. Section 44921;

61 (7) Any state probation or parole officer, including supervisors and
62 members of the board of probation and parole;

63 (8) Any corporate security advisor meeting the definition and fulfilling the
64 requirements of the regulations established by the board of police commissioners
65 under section 84.340, RSMo; [and]

66 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
67 examiner; **and**

68 **(10) Any prosecuting attorney or assistant prosecuting attorney**
69 **or any circuit attorney or assistant circuit attorney who has completed**
70 **the firearms safety training course required under subsection 2 of**
71 **section 571.111.**

72 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
73 apply when the actor is transporting such weapons in a nonfunctioning state or
74 in an unloaded state when ammunition is not readily accessible or when such
75 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
76 does not apply to any person twenty-one years of age or older transporting a
77 concealable firearm in the passenger compartment of a motor vehicle, so long as
78 such concealable firearm is otherwise lawfully possessed, nor when the actor is
79 also in possession of an exposed firearm or projectile weapon for the lawful
80 pursuit of game, or is in his or her dwelling unit or upon premises over which the
81 actor has possession, authority or control, or is traveling in a continuous journey
82 peaceably through this state. Subdivision (10) of subsection 1 of this section does
83 not apply if the firearm is otherwise lawfully possessed by a person while
84 traversing school premises for the purposes of transporting a student to or from
85 school, or possessed by an adult for the purposes of facilitation of a

86 school-sanctioned firearm-related event.

87 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
88 apply to any person who has a valid concealed carry endorsement issued pursuant
89 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed
90 firearms issued by another state or political subdivision of another state.

91 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
92 section shall not apply to persons who are engaged in a lawful act of defense
93 pursuant to section 563.031, RSMo.

94 6. Nothing in this section shall make it unlawful for a student to actually
95 participate in school-sanctioned gun safety courses, student military or ROTC
96 courses, or other school-sponsored firearm-related events, provided the student
97 does not carry a firearm or other weapon readily capable of lethal use into any
98 school, onto any school bus, or onto the premises of any other function or activity
99 sponsored or sanctioned by school officials or the district school board.

100 7. Unlawful use of weapons is a class D felony unless committed pursuant
101 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
102 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
103 which case it is a class A misdemeanor if the firearm is unloaded and a class D
104 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
105 in which case it is a class B felony, except that if the violation of subdivision (9)
106 of subsection 1 of this section results in injury or death to another person, it is
107 a class A felony.

108 8. Violations of subdivision (9) of subsection 1 of this section shall be
109 punished as follows:

110 (1) For the first violation a person shall be sentenced to the maximum
111 authorized term of imprisonment for a class B felony;

112 (2) For any violation by a prior offender as defined in section 558.016,
113 RSMo, a person shall be sentenced to the maximum authorized term of
114 imprisonment for a class B felony without the possibility of parole, probation or
115 conditional release for a term of ten years;

116 (3) For any violation by a persistent offender as defined in section
117 558.016, RSMo, a person shall be sentenced to the maximum authorized term of
118 imprisonment for a class B felony without the possibility of parole, probation, or
119 conditional release;

120 (4) For any violation which results in injury or death to another person,
121 a person shall be sentenced to an authorized disposition for a class A felony.

122 9. Any person knowingly aiding or abetting any other person in the
123 violation of subdivision (9) of subsection 1 of this section shall be subject to the
124 same penalty as that prescribed by this section for violations by other persons.

125 **10. Notwithstanding any other provision of law, no person who**
126 **pleads guilty to or is found guilty of a felony violation of subsection 1**
127 **of this section shall receive a suspended imposition of sentence if such**
128 **person has previously received a suspended imposition of sentence for**
129 **any other firearms or weapons related felony offense.**

130 [10.] 11. As used in this section "qualified retired peace officer" means
131 an individual who:

132 (1) Retired in good standing from service with a public agency as a peace
133 officer, other than for reasons of mental instability;

134 (2) Before such retirement, was authorized by law to engage in or
135 supervise the prevention, detection, investigation, or prosecution of, or the
136 incarceration of any person for, any violation of law, and had statutory powers of
137 arrest;

138 (3) Before such retirement, was regularly employed as a peace officer for
139 an aggregate of fifteen years or more, or retired from service with such agency,
140 after completing any applicable probationary period of such service, due to a
141 service-connected disability, as determined by such agency;

142 (4) Has a nonforfeitable right to benefits under the retirement plan of the
143 agency if such a plan is available;

144 (5) During the most recent twelve-month period, has met, at the expense
145 of the individual, the standards for training and qualification for active peace
146 officers to carry firearms;

147 (6) Is not under the influence of alcohol or another intoxicating or
148 hallucinatory drug or substance; and

149 (7) Is not prohibited by federal law from receiving a firearm.

150 [11.] 12. The identification required by subdivision (1) of subsection 2 of
151 this section is:

152 (1) A photographic identification issued by the agency from which the
153 individual retired from service as a peace officer that indicates that the individual
154 has, not less recently than one year before the date the individual is carrying the
155 concealed firearm, been tested or otherwise found by the agency to meet the
156 standards established by the agency for training and qualification for active peace
157 officers to carry a firearm of the same type as the concealed firearm; or

158 (2) A photographic identification issued by the agency from which the
159 individual retired from service as a peace officer; and

160 (3) A certification issued by the state in which the individual resides that
161 indicates that the individual has, not less recently than one year before the date
162 the individual is carrying the concealed firearm, been tested or otherwise found
163 by the state to meet the standards established by the state for training and
164 qualification for active peace officers to carry a firearm of the same type as the
165 concealed firearm.

 571.070. 1. A person commits the crime of unlawful possession of a
2 firearm if such person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this
4 state, or of a crime under the laws of any state or of the United States which, if
5 committed within this state, would be a felony; or

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated
7 or drugged condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a firearm is a class C felony.

9 **3. The provisions of subdivision (1) of subsection 1 of this section**
10 **shall not apply to the possession of an antique firearm.**

571.085. Residents of the state of Missouri may purchase rifles
2 **and shotguns in any state, provided that such residents conform to the**
3 **applicable provisions of the Federal Gun Control Act of 1968, and**
4 **regulations thereunder, as administered by the United States Secretary**
5 **of the Treasury, and provided further that such residents conform to**
6 **the provisions of law applicable to such purchase in the state of**
7 **Missouri and in the state in which the purchase is made.**

571.087. Residents of any state may purchase rifles and shotguns
2 **in the state of Missouri, provided that such residents conform to the**
3 **applicable provisions of the Federal Gun Control Act of 1968, and**
4 **regulations thereunder, as administered by the United States Secretary**
5 **of the Treasury, and provided further that such residents conform to**
6 **the provisions of law applicable to such purchase in the state of**
7 **Missouri and in the state in which such persons reside.**

 571.101. 1. All applicants for concealed carry endorsements issued
2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of

5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, canceled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least [twenty-three] **twenty-one** years of age, is a citizen of the
18 United States and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been
23 convicted of a crime punishable by imprisonment for a term exceeding one year
24 under the laws of any state or of the United States other than a crime classified
25 as a misdemeanor under the laws of any state and punishable by a term of
26 imprisonment of one year or less that does not involve an explosive weapon,
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo
29 contendere to one or more misdemeanor offenses involving crimes of violence
30 within a five-year period immediately preceding application for a certificate of
31 qualification for a concealed carry endorsement or if the applicant has not been
32 convicted of two or more misdemeanor offenses involving driving while under the
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
34 substance within a five-year period immediately preceding application for a
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information
37 or indictment with the commission of a crime punishable by imprisonment for a
38 term exceeding one year under the laws of any state of the United States other
39 than a crime classified as a misdemeanor under the laws of any state and
40 punishable by a term of imprisonment of two years or less that does not involve

41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public
45 records, that causes the sheriff to have a reasonable belief that the applicant
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for
48 five years prior to application, or has not been committed to a mental health
49 facility, as defined in section 632.005, RSMo, or a similar institution located in
50 another state following a hearing at which the defendant was represented by
51 counsel or a representative;

52 (8) Submits a completed application for a certificate of qualification as
53 defined in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of
56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry
60 endorsement issued by the sheriff of the county of the applicant's residence shall
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, and date
63 and place of birth;

64 (2) An affirmation that the applicant has assumed residency in Missouri
65 or is a member of the armed forces stationed in Missouri or the spouse of such a
66 member of the armed forces and is a citizen of the United States;

67 (3) An affirmation that the applicant is at least [twenty-three] **twenty-**
68 **one** years of age;

69 (4) An affirmation that the applicant has not pled guilty to or been
70 convicted of a crime punishable by imprisonment for a term exceeding one year
71 under the laws of any state or of the United States other than a crime classified
72 as a misdemeanor under the laws of any state and punishable by a term of
73 imprisonment of one year or less that does not involve an explosive weapon,
74 firearm, firearm silencer, or gas gun;

75 (5) An affirmation that the applicant has not been convicted of, pled guilty
76 to, or entered a plea of nolo contendere to one or more misdemeanor offenses

77 involving crimes of violence within a five-year period immediately preceding
78 application for a certificate of qualification to obtain a concealed carry
79 endorsement or if the applicant has not been convicted of two or more
80 misdemeanor offenses involving driving while under the influence of intoxicating
81 liquor or drugs or the possession or abuse of a controlled substance within a
82 five-year period immediately preceding application for a certificate of qualification
83 to obtain a concealed carry endorsement;

84 (6) An affirmation that the applicant is not a fugitive from justice or
85 currently charged in an information or indictment with the commission of a crime
86 punishable by imprisonment for a term exceeding one year under the laws of any
87 state or of the United States other than a crime classified as a misdemeanor
88 under the laws of any state and punishable by a term of imprisonment of two
89 years or less that does not involve an explosive weapon, firearm, firearm silencer
90 or gas gun;

91 (7) An affirmation that the applicant has not been discharged under
92 dishonorable conditions from the United States armed forces;

93 (8) An affirmation that the applicant is not adjudged mentally
94 incompetent at the time of application or for five years prior to application, or has
95 not been committed to a mental health facility, as defined in section 632.005,
96 RSMo, or a similar institution located in another state, except that a person
97 whose release or discharge from a facility in this state pursuant to chapter 632,
98 RSMo, or a similar discharge from a facility in another state, occurred more than
99 five years ago without subsequent recommitment may apply;

100 (9) An affirmation that the applicant has received firearms safety training
101 that meets the standards of applicant firearms safety training defined in
102 subsection 1 or 2 of section 571.111;

103 (10) An affirmation that the applicant, to the applicant's best knowledge
104 and belief, is not the respondent of a valid full order of protection which is still
105 in effect; and

106 (11) A conspicuous warning that false statements made by the applicant
107 will result in prosecution for perjury pursuant to the laws of the state of
108 Missouri.

109 4. An application for a certificate of qualification for a concealed carry
110 endorsement shall be made to the sheriff of the county or any city not within a
111 county in which the applicant resides. An application shall be filed in writing,
112 signed under oath and under the penalties of perjury, and shall state whether the

113 applicant complies with each of the requirements specified in subsection 2 of this
114 section. In addition to the completed application, the applicant for a certificate
115 of qualification for a concealed carry endorsement must also submit the following:

116 (1) A photocopy of a firearms safety training certificate of completion or
117 other evidence of completion of a firearms safety training course that meets the
118 standards established in subsection 1 or 2 of section 571.111; and

119 (2) A nonrefundable certificate of qualification fee as provided by
120 subsection 10 or 11 of this section.

121 5. Before an application for a certificate of qualification for a concealed
122 carry endorsement is approved, the sheriff shall make only such inquiries as he
123 or she deems necessary into the accuracy of the statements made in the
124 application. The sheriff may require that the applicant display a Missouri
125 driver's license or nondriver's license or military identification and orders
126 showing the person being stationed in Missouri. In order to determine the
127 applicant's suitability for a certificate of qualification for a concealed carry
128 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
129 criminal background check through the appropriate law enforcement agency
130 within three working days after submission of the properly completed application
131 for a certificate of qualification for a concealed carry endorsement. If no
132 disqualifying record is identified by the fingerprint check at the state level, the
133 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
134 national criminal history record check. Upon receipt of the completed background
135 check, the sheriff shall issue a certificate of qualification for a concealed carry
136 endorsement within three working days. The sheriff shall issue the certificate
137 within forty-five calendar days if the criminal background check has not been
138 received, provided that the sheriff shall revoke any such certificate and
139 endorsement within twenty-four hours of receipt of any background check that
140 results in a disqualifying record, and shall notify the department of revenue.

141 6. The sheriff may refuse to approve an application for a certificate of
142 qualification for a concealed carry endorsement if he or she determines that any
143 of the requirements specified in subsection 2 of this section have not been met,
144 or if he or she has a substantial and demonstrable reason to believe that the
145 applicant has rendered a false statement regarding any of the provisions of
146 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff
147 is required to deny the application, and notify the applicant in writing, stating
148 the grounds for denial and informing the applicant of the right to submit, within

149 thirty days, any additional documentation relating to the grounds of the
150 denial. Upon receiving any additional documentation, the sheriff shall reconsider
151 his or her decision and inform the applicant within thirty days of the result of the
152 reconsideration. The applicant shall further be informed in writing of the right
153 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
154 571.114. After two additional reviews and denials by the sheriff, the person
155 submitting the application shall appeal the denial pursuant to subsections 2, 3,
156 4, and 5 of section 571.114.

157 7. If the application is approved, the sheriff shall issue a certificate of
158 qualification for a concealed carry endorsement to the applicant within a period
159 not to exceed three working days after his or her approval of the application. The
160 applicant shall sign the certificate of qualification in the presence of the sheriff
161 or his or her designee and shall within seven days of receipt of the certificate of
162 qualification take the certificate of qualification to the department of
163 revenue. Upon verification of the certificate of qualification and completion of a
164 driver's license or nondriver's license application pursuant to chapter 302, RSMo,
165 the director of revenue shall issue a new driver's license or nondriver's license
166 with an endorsement which identifies that the applicant has received a certificate
167 of qualification to carry concealed weapons issued pursuant to sections 571.101
168 to 571.121 if the applicant is otherwise qualified to receive such driver's license
169 or nondriver's license. The requirements for the director of revenue to issue a
170 concealed carry endorsement pursuant to this subsection shall not be effective
171 until July 1, 2004, and the certificate of qualification issued by a county sheriff
172 pursuant to subsection 1 of this section shall allow the person issued such
173 certificate to carry a concealed weapon pursuant to the requirements of
174 subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued
175 by the director of revenue from October 11, 2003, until the concealed carry
176 endorsement is issued by the director of revenue on or after July 1, 2004, unless
177 such certificate of qualification has been suspended or revoked for cause.

178 8. The sheriff shall keep a record of all applications for a certificate of
179 qualification for a concealed carry endorsement and his or her action
180 thereon. The sheriff shall report the issuance of a certificate of qualification to
181 the Missouri uniform law enforcement system. All information on any such
182 certificate that is protected information on any driver's or nondriver's license
183 shall have the same personal protection for purposes of sections 571.101 to
184 571.121. An applicant's status as a holder of a certificate of qualification or a

185 concealed carry endorsement shall not be public information and shall be
186 considered personal protected information. Any person who violates the
187 provisions of this subsection by disclosing protected information shall be guilty
188 of a class A misdemeanor.

189 9. Information regarding any holder of a certificate of qualification or a
190 concealed carry endorsement is a closed record.

191 10. For processing an application for a certificate of qualification for a
192 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
193 in each county shall charge a nonrefundable fee not to exceed one hundred dollars
194 which shall be paid to the treasury of the county to the credit of the sheriff's
195 revolving fund.

196 11. For processing a renewal for a certificate of qualification for a
197 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
198 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
199 shall be paid to the treasury of the county to the credit of the sheriff's revolving
200 fund.

201 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
202 shall include the sheriff of any county or city not within a county or his or her
203 designee and in counties of the first classification the sheriff may designate the
204 chief of police of any city, town, or municipality within such county.

 571.104. 1. (1) A concealed carry endorsement issued pursuant to
2 sections 571.101 to 571.121 shall be suspended or revoked if the concealed carry
3 endorsement holder becomes ineligible for such concealed carry endorsement
4 under the criteria established in subdivisions (2), (3), (4), (5), and (7) of subsection
5 2 of section 571.101 or upon the issuance of a valid full order of protection.

6 (2) When a valid full order of protection, or any arrest warrant, discharge,
7 or commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of
8 subsection 2 of section 571.101, is issued against a person holding a concealed
9 carry endorsement issued pursuant to sections 571.101 to 571.121 upon
10 notification of said order, warrant, discharge or commitment or upon an order of
11 a court of competent jurisdiction in a criminal proceeding, a commitment
12 proceeding or a full order of protection proceeding ruling that a person holding
13 a concealed carry endorsement presents a risk of harm to themselves or others,
14 then upon notification of such order, the holder of the concealed carry
15 endorsement shall surrender the driver's license or nondriver's license containing
16 the concealed carry endorsement to the court, to the officer, or other official

17 serving the order, warrant, discharge, or commitment.

18 (3) The official to whom the driver's license or nondriver's license
19 containing the concealed carry endorsement is surrendered shall issue a receipt
20 to the licensee for the license upon a form, approved by the director of revenue,
21 that serves as a driver's license or a nondriver's license and clearly states the
22 concealed carry endorsement has been suspended. The official shall then
23 transmit the driver's license or a nondriver's license containing the concealed
24 carry endorsement to the circuit court of the county issuing the order, warrant,
25 discharge, or commitment. The concealed carry endorsement issued pursuant to
26 sections 571.101 to 571.121 shall be suspended until the order is terminated or
27 until the arrest results in a dismissal of all charges. Upon dismissal, the court
28 holding the driver's license or nondriver's license containing the concealed carry
29 endorsement shall return it to the individual.

30 (4) Any conviction, discharge, or commitment specified in sections 571.101
31 to 571.121 shall result in a revocation. Upon conviction, the court shall forward
32 a notice of conviction or action and the driver's license or nondriver's license with
33 the concealed carry endorsement to the department of revenue. The department
34 of revenue shall notify the sheriff of the county which issued the certificate of
35 qualification for a concealed carry endorsement and shall report the change in
36 status of the concealed carry endorsement to the Missouri uniform law
37 enforcement system. The director of revenue shall immediately remove the
38 endorsement issued pursuant to sections 571.101 to 571.121 from the individual's
39 driving record within three days of the receipt of the notice from the court. The
40 director of revenue shall notify the licensee that he or she must apply for a new
41 license pursuant to chapter 302, RSMo, which does not contain such
42 endorsement. This requirement does not affect the driving privileges of the
43 licensee. The notice issued by the department of revenue shall be mailed to the
44 last known address shown on the individual's driving record. The notice is
45 deemed received three days after mailing.

46 2. A concealed carry endorsement shall be renewed for a qualified
47 applicant upon receipt of the properly completed renewal application and the
48 required renewal fee by the sheriff of the county of the applicant's residence. The
49 renewal application shall contain the same required information as set forth in
50 subsection 3 of section 571.101, except that in lieu of the fingerprint requirement
51 of subsection 5 of section 571.101 and the firearms safety training, the applicant
52 need only display his or her current driver's license or nondriver's license

53 containing a concealed carry endorsement. Upon successful completion of all
54 renewal requirements, the sheriff shall issue a certificate of qualification which
55 contains the date such certificate was renewed.

56 3. A person who has been issued a certificate of qualification for a
57 concealed carry endorsement who fails to file a renewal application on or before
58 its expiration date must pay an additional late fee of ten dollars per month for
59 each month it is expired for up to six months. After six months, the sheriff who
60 issued the expired certificate shall notify the director of revenue that such
61 certificate is expired. The director of revenue shall immediately cancel the
62 concealed carry endorsement and remove such endorsement from the individual's
63 driving record and notify the individual of such cancellation. The notice of
64 cancellation of the endorsement shall be conducted in the same manner as
65 described in subsection 1 of this section. Any person who has been issued a
66 certificate of qualification for a concealed carry endorsement pursuant to sections
67 571.101 to 571.121 who fails to renew his or her application within the six-month
68 period must reapply for a new certificate of qualification for a concealed carry
69 endorsement and pay the fee for a new application. The director of revenue shall
70 not issue an endorsement on a renewed driver's license or renewed nondriver's
71 license unless the applicant for such license provides evidence that he or she has
72 renewed the certification of qualification for a concealed carry endorsement in the
73 manner provided for such renewal pursuant to sections 571.101 to 571.121. If an
74 applicant for renewal of a driver's license or nondriver's license containing a
75 concealed carry endorsement does not want to maintain the concealed carry
76 endorsement, the applicant shall inform the director at the time of license
77 renewal of his or her desire to remove the endorsement. When a driver's or
78 nondriver's license applicant informs the director of his or her desire to remove
79 the concealed carry endorsement, the director shall renew the driver's license or
80 nondriver's license without the endorsement appearing on the license if the
81 applicant is otherwise qualified for such renewal.

82 4. Any person issued a concealed carry endorsement pursuant to sections
83 571.101 to 571.121 shall notify the department of revenue and the sheriffs of both
84 the old and new jurisdictions of the endorsement holder's change of residence
85 within thirty days after the changing of a permanent residence. The endorsement
86 holder shall furnish proof to the department of revenue and the sheriff in the new
87 jurisdiction that the endorsement holder has changed his or her residence. **The**
88 **sheriff of the new jurisdiction may charge a processing fee of not more**

89 **than ten dollars for any costs associated with notification of a change**
90 **in residence.** The change of residence shall be made by the department of
91 revenue onto the individual's driving record and the new address shall be
92 accessible by the Missouri uniform law enforcement system within three days of
93 receipt of the information.

94 5. Any person issued a driver's license or nondriver's license containing
95 a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall
96 notify the sheriff or his or her designee of the endorsement holder's county or city
97 of residence within seven days after actual knowledge of the loss or destruction
98 of his or her driver's license or nondriver's license containing a concealed carry
99 endorsement. The endorsement holder shall furnish a statement to the sheriff
100 that the driver's license or nondriver's license containing the concealed carry
101 endorsement has been lost or destroyed. After notification of the loss or
102 destruction of a driver's license or nondriver's license containing a concealed carry
103 endorsement, the sheriff shall reissue a new certificate of qualification within
104 three working days of being notified by the concealed carry endorsement holder
105 of its loss or destruction. The reissued certificate of qualification shall contain
106 the same personal information, including expiration date, as the original
107 certificate of qualification. The applicant shall then take the certificate to the
108 department of revenue, and the department of revenue shall proceed on the
109 certificate in the same manner as provided in subsection 7 section 571.101. Upon
110 application for a license pursuant to chapter 302, RSMo, the director of revenue
111 shall issue a driver's license or nondriver's license containing a concealed carry
112 endorsement if the applicant is otherwise eligible to receive such license.

113 6. If a person issued a concealed carry endorsement changes his or her
114 name, the person to whom the endorsement was issued shall obtain a corrected
115 certificate of qualification for a concealed carry endorsement with a change of
116 name from the sheriff who issued such certificate upon the sheriff's verification
117 of the name change. **The sheriff may charge a processing fee of not more**
118 **than ten dollars for any costs associated with obtaining a corrected**
119 **certificate of qualification.** The endorsement holder shall furnish proof of the
120 name change to the department of revenue and the sheriff within thirty days of
121 changing his or her name and display his or her current driver's license or
122 nondriver's license containing a concealed carry endorsement. The endorsement
123 holder shall apply for a new driver's license or nondriver's license containing his
124 or her new name. Such application for a driver's license or nondriver's license

125 shall be made pursuant to chapter 302, RSMo. The director of revenue shall
126 issue a driver's license or nondriver's license with concealed carry endorsement
127 with the endorsement holder's new name if the applicant is otherwise eligible for
128 such license. The director of revenue shall take custody of the old driver's license
129 or nondriver's license. The name change shall be made by the department of
130 revenue onto the individual's driving record and the new name shall be accessible
131 by the Missouri uniform law enforcement system within three days of receipt of
132 the information.

133 7. A concealed carry endorsement shall be automatically invalid after
134 thirty days if the endorsement holder has changed his or her name or changed his
135 or her residence and not notified the department of revenue and sheriff of a
136 change of name or residence as required in subsections 4 and 6 of this section.

 571.107. 1. A concealed carry endorsement issued pursuant to sections
2 571.101 to 571.121 or a concealed carry endorsement or permit issued by another
3 state or political subdivision of another state shall authorize the person in whose
4 name the permit or endorsement is issued to carry concealed firearms on or about
5 his or her person or vehicle throughout the state. No driver's license or
6 nondriver's license containing a concealed carry endorsement issued pursuant to
7 sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
8 another state or political subdivision of another state shall authorize any person
9 to carry concealed firearms into:

10 (1) Any police, sheriff, or highway patrol office or station without the
11 consent of the chief law enforcement officer in charge of that office or
12 station. Possession of a firearm in a vehicle on the premises of the office or
13 station shall not be a criminal offense so long as the firearm is not removed from
14 the vehicle or brandished while the vehicle is on the premises;

15 (2) Within twenty-five feet of any polling place on any election day.
16 Possession of a firearm in a vehicle on the premises of the polling place shall not
17 be a criminal offense so long as the firearm is not removed from the vehicle or
18 brandished while the vehicle is on the premises;

19 (3) The facility of any adult or juvenile detention or correctional
20 institution, prison or jail. Possession of a firearm in a vehicle on the premises of
21 any adult, juvenile detention, or correctional institution, prison or jail shall not
22 be a criminal offense so long as the firearm is not removed from the vehicle or
23 brandished while the vehicle is on the premises;

24 (4) Any courthouse solely occupied by the circuit, appellate or supreme

25 court, or any courtrooms, administrative offices, libraries or other rooms of any
26 such court whether or not such court solely occupies the building in
27 question. This subdivision shall also include, but not be limited to, any juvenile,
28 family, drug, or other court offices, any room or office wherein any of the courts
29 or offices listed in this subdivision are temporarily conducting any business
30 within the jurisdiction of such courts or offices, and such other locations in such
31 manner as may be specified by supreme court rule pursuant to subdivision (6) of
32 this subsection. Nothing in this subdivision shall preclude those persons listed
33 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
34 and on duty, those persons listed in subdivisions (2) [and], (4), **and (10)** of
35 subsection 2 of section 571.030, or such other persons who serve in a law
36 enforcement capacity for a court as may be specified by supreme court rule
37 pursuant to subdivision (6) of this subsection from carrying a concealed firearm
38 within any of the areas described in this subdivision. Possession of a firearm in
39 a vehicle on the premises of any of the areas listed in this subdivision shall not
40 be a criminal offense so long as the firearm is not removed from the vehicle or
41 brandished while the vehicle is on the premises;

42 (5) Any meeting of the governing body of a unit of local government; or
43 any meeting of the general assembly or a committee of the general assembly,
44 except that nothing in this subdivision shall preclude a member of the body
45 holding a valid concealed carry endorsement from carrying a concealed firearm
46 at a meeting of the body which he or she is a member. **Nothing in this**
47 **subdivision shall preclude a member of the general assembly, a full**
48 **time employee of the general assembly employed pursuant to section**
49 **17, article III, Constitution of Missouri, legislative employees of the**
50 **general assembly as determined under section 21.155, statewide elected**
51 **officials and employees of the office of the governor, lieutenant**
52 **governor, secretary of state, state auditor, state treasurer, or attorney**
53 **general holding a valid concealed carry endorsement, from carrying a**
54 **concealed firearm in the state capitol building or at a meeting, whether**
55 **of the full body of a house of the general assembly or a committee**
56 **thereof, that is held in the state capitol building.** Possession of a firearm
57 in a vehicle on the premises shall not be a criminal offense so long as the firearm
58 is not removed from the vehicle or brandished while the vehicle is on the
59 premises;

60 (6) **Except as provided in subdivision (5) of subsection 1 of this**

61 **section** the general assembly, supreme court, county or municipality may by
62 rule, administrative regulation, or ordinance prohibit or limit the carrying of
63 concealed firearms by endorsement holders in that portion of a building owned,
64 leased or controlled by that unit of government. Any portion of a building in
65 which the carrying of concealed firearms is prohibited or limited shall be clearly
66 identified by signs posted at the entrance to the restricted area. The statute, rule
67 or ordinance shall exempt any building used for public housing by private
68 persons, highways or rest areas, firing ranges, and private dwellings owned,
69 leased, or controlled by that unit of government from any restriction on the
70 carrying or possession of a firearm. The statute, rule or ordinance shall not
71 specify any criminal penalty for its violation but may specify that persons
72 violating the statute, rule or ordinance may be denied entrance to the building,
73 ordered to leave the building and if employees of the unit of government, be
74 subjected to disciplinary measures for violation of the provisions of the statute,
75 rule or ordinance. The provisions of this subdivision shall not apply to any other
76 unit of government;

77 (7) Any establishment licensed to dispense intoxicating liquor for
78 consumption on the premises, which portion is primarily devoted to that purpose,
79 without the consent of the owner or manager. The provisions of this subdivision
80 shall not apply to the licensee of said establishment. The provisions of this
81 subdivision shall not apply to any bona fide restaurant open to the general public
82 having dining facilities for not less than fifty persons and that receives at least
83 fifty-one percent of its gross annual income from the dining facilities by the sale
84 of food. This subdivision does not prohibit the possession of a firearm in a vehicle
85 on the premises of the establishment and shall not be a criminal offense so long
86 as the firearm is not removed from the vehicle or brandished while the vehicle is
87 on the premises. Nothing in this subdivision authorizes any individual who has
88 been issued a concealed carry endorsement to possess any firearm while
89 intoxicated;

90 (8) Any area of an airport to which access is controlled by the inspection
91 of persons and property. Possession of a firearm in a vehicle on the premises of
92 the airport shall not be a criminal offense so long as the firearm is not removed
93 from the vehicle or brandished while the vehicle is on the premises;

94 (9) Any place where the carrying of a firearm is prohibited by federal law;

95 (10) Any higher education institution or elementary or secondary school
96 facility without the consent of the governing body of the higher education

97 institution or a school official or the district school board. Possession of a firearm
98 in a vehicle on the premises of any higher education institution or elementary or
99 secondary school facility shall not be a criminal offense so long as the firearm is
100 not removed from the vehicle or brandished while the vehicle is on the premises;

101 (11) Any portion of a building used as a child-care facility without the
102 consent of the manager. Nothing in this subdivision shall prevent the operator
103 of a child-care facility in a family home from owning or possessing a firearm or
104 a driver's license or nondriver's license containing a concealed carry endorsement;

105 (12) Any riverboat gambling operation accessible by the public without the
106 consent of the owner or manager pursuant to rules promulgated by the gaming
107 commission. Possession of a firearm in a vehicle on the premises of a riverboat
108 gambling operation shall not be a criminal offense so long as the firearm is not
109 removed from the vehicle or brandished while the vehicle is on the premises;

110 (13) Any gated area of an amusement park. Possession of a firearm in a
111 vehicle on the premises of the amusement park shall not be a criminal offense so
112 long as the firearm is not removed from the vehicle or brandished while the
113 vehicle is on the premises;

114 (14) Any church or other place of religious worship without the consent
115 of the minister or person or persons representing the religious organization that
116 exercises control over the place of religious worship. Possession of a firearm in
117 a vehicle on the premises shall not be a criminal offense so long as the firearm
118 is not removed from the vehicle or brandished while the vehicle is on the
119 premises;

120 (15) Any private property whose owner has posted the premises as being
121 off-limits to concealed firearms by means of one or more signs displayed in a
122 conspicuous place of a minimum size of eleven inches by fourteen inches with the
123 writing thereon in letters of not less than one inch. The owner, business or
124 commercial lessee, manager of a private business enterprise, or any other
125 organization, entity, or person may prohibit persons holding a concealed carry
126 endorsement from carrying concealed firearms on the premises and may prohibit
127 employees, not authorized by the employer, holding a concealed carry
128 endorsement from carrying concealed firearms on the property of the employer.
129 If the building or the premises are open to the public, the employer of the
130 business enterprise shall post signs on or about the premises if carrying a
131 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
132 premises shall not be a criminal offense so long as the firearm is not removed

133 from the vehicle or brandished while the vehicle is on the premises. An employer
134 may prohibit employees or other persons holding a concealed carry endorsement
135 from carrying a concealed firearm in vehicles owned by the employer;

136 (16) Any sports arena or stadium with a seating capacity of five thousand
137 or more. Possession of a firearm in a vehicle on the premises shall not be a
138 criminal offense so long as the firearm is not removed from the vehicle or
139 brandished while the vehicle is on the premises;

140 (17) Any hospital accessible by the public. Possession of a firearm in a
141 vehicle on the premises of a hospital shall not be a criminal offense so long as the
142 firearm is not removed from the vehicle or brandished while the vehicle is on the
143 premises.

144 2. Carrying of a concealed firearm in a location specified in subdivisions
145 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
146 carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a
147 criminal act but may subject the person to denial to the premises or removal from
148 the premises. If such person refuses to leave the premises and a peace officer is
149 summoned, such person may be issued a citation for an amount not to exceed one
150 hundred dollars for the first offense. If a second citation for a similar violation
151 occurs within a six-month period, such person shall be fined an amount not to
152 exceed two hundred dollars and his or her endorsement to carry concealed
153 firearms shall be suspended for a period of one year. If a third citation for a
154 similar violation is issued within one year of the first citation, such person shall
155 be fined an amount not to exceed five hundred dollars and shall have his or her
156 concealed carry endorsement revoked and such person shall not be eligible for a
157 concealed carry endorsement for a period of three years. Upon conviction of
158 charges arising from a citation issued pursuant to this subsection, the court shall
159 notify the sheriff of the county which issued the certificate of qualification for a
160 concealed carry endorsement and the department of revenue. The sheriff shall
161 suspend or revoke the certificate of qualification for a concealed carry
162 endorsement and the department of revenue shall issue a notice of such
163 suspension or revocation of the concealed carry endorsement and take action to
164 remove the concealed carry endorsement from the individual's driving
165 record. The director of revenue shall notify the licensee that he or she must
166 apply for a new license pursuant to chapter 302, RSMo, which does not contain
167 such endorsement. A concealed carry endorsement suspension pursuant to
168 sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his

169 or her driver's license. The notice issued by the department of revenue shall be
170 mailed to the last known address shown on the individual's driving record. The
171 notice is deemed received three days after mailing.

[407.500. Residents of the state of Missouri may purchase
2 rifles and shotguns in a state contiguous to the state of Missouri,
3 provided that such residents conform to the applicable provisions
4 of the Federal Gun Control Act of 1968, and regulations
5 thereunder, as administered by the United States Secretary of the
6 Treasury, and provided further that such residents conform to the
7 provisions of law applicable to such purchase in the state of
8 Missouri and in the contiguous state in which the purchase is
9 made.]

[407.505. Residents of a state contiguous to the state of
2 Missouri may purchase rifles and shotguns in the state of Missouri,
3 provided that such residents conform to the applicable provisions
4 of the Federal Gun Control Act of 1968, and regulations
5 thereunder, as administered by the United States Secretary of the
6 Treasury, and provided further that such residents conform to the
7 provisions of law applicable to such purchase in the state of
8 Missouri and in the state in which such persons reside.]

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